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HARRINGTON & SMITH, PC 4 RESEARCH DRIVE, Suite 202 SHELTON, CT 06484-6212			EXAMINER AL AUBAIDI, RASHA S	
			ART UNIT	PAPER NUMBER
			2614	
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			11/21/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/607,107	Applicant(s) GUO ET AL.	
	Examiner RASHA S. AL AUBAIDI	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11-21 and 23-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-21 and 23-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to amendment filed 08/13/2008. Claims 29-38 have been added. Claims 14-21 and 23 have been canceled. Claims 1-9, 11-13, 24 and 26 have been amended. Claims 1-9, 11-13, and 24-38 are still pending in this application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1, 2, 4, 5, 9, 12, 13, 24, 26, 29-30, 32-33 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tatchell et al. (US PAT # 6,160,877) in view of Rudrapatna et al. (US PAT # 6,188,905) .

As to claims 1, 13, 24, 26 and 29, Tatchell teaches an apparatus (this reads on telephone set 17a and/or 17n, see col. 8, lines 5-36), comprising: user specifiable means for defining at least one filter for filtering incoming calls (i.e. “screening”) and taking user definable responses on incoming calls that satisfy the requirement of said at least one filter, in which:

- the user specifies a profile (col. 4 line 5, fig. 5a, col. 20 lines 21 – 34, and col. 8 lines 5 - 24). Note that “home”, “work” and “cellular” reads on the claimed profile.
- the user has the option of modifying parameters of the specified profile (Abstract, col. 4 lines 27 - 30, and col. 10 lines 1 – 5) including specifying at least one filter in the profile and specifying user specifiable parameters thereof (col. 13 lines 38 – 49 and col. 18 line 55 – col. 19 line 18);
- the telephone system includes means for guiding the user through a setup sequence (see figs. 6 and 7);
- the telephone system includes means for applying the user specified profile and for modifying the user specified profile in response to a location of the user (see fig. 8c and col. 20 lines 21 – 34, col. 4 lines 22 – 26, col. 7 lines 1 – 9, col. 9 line 64 – col. 10 line 5). Tatchell teaches locations are applied and modified based on location. For example, if the user has moved from his house to his office, the system of Tatchell modifies/changes the profile from “home” to “office”. Thus, the “office” profile is applied instead of the “home” profile. The claimed feature of

Art Unit: 2614

“wherein the user-specified profile is selected and set up by the user” is already taught by Tatchell (see col. 9, lines 60-63).

Tatchell does not specifically teach “automatically modify the user specified profile of the user in response to a network determined cell location of a mobile handset associated with the user’.

However, Rudrapatna teaches in an intelligent dynamic channel allocation scheme for mobile communication network. A mobile system can create and store multiple profiles that can be used and updated when needed. For Example, if the user travels to a new route or travels to a new workplace the temporary profile can capture this information and can be used as an alternative profile to the existing one (see abstract of the invention and col. 5, lines 41-55).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of automatically changing the user's profile based on the new geographical place/new workplace, as taught by Rudrapatna, into the Tatchell system's in order to provide users/subscribers with the maximum coverage for uninterrupted cellular services anywhere the user/subscriber travels or moves.

As to claims 2 and 30, Tatchell teaches that at least one profile depends on the status of the user (see above citations and col. 19 lines 1 – 19), selected by the user from a list of at least two profiles (e.g. home, office, special, work, etc.), with a set of responses correlated with the status specified in the selected profile. Tatchell reads on this limitation in multiple ways. Status can be interpreted as the user's location. For example, the system can change the profile based on where the user is located. Each profile could have different responses on how to handle calls. The "office" profile may direct certain phone numbers to voicemail, while the "home" profile may route all calls to the users phone.

Alternatively, the status can be interpreted as the user's state. For example, the user may be waiting for an important/emergency call. In such a situation, the user can select the emergency profile. In response to this selection, the system will respond by sending all calls to voicemail except for call from a specific name or CLID (see example in col. 19 lines 1 – 19).

As to claims 4 and 32, Tatchell teaches changing profiles based on the time of the day (see table 6.0 of Tatchell). Moreover, Tatchell teaches multiple responses can be sent based on the identity of the calling party. For example, the response could either be a message stating "the caller you are trying to reach is not accepting calls at this time" (col. 19 lines 3 – 5), or the call could be forwarded to a different number, or the call could be forwarded to voicemail. Thus, there could be a plurality of responses to an incoming call (based on the identity of the calling party) during a single profile (e.g. office, work, home, etc.).

As to claims 5 and 33, Tatchell has been discussed above. In addition, see table 6.0.

As to claims 9 and 37, Tatchell has been discussed above. In addition, the at least two filters apply a different response to an incoming call of the same category (Abstract and fig. 5a, 5b, and tables 1 – 5).

As to claim 12, see fig. 5a and 5b and col. 19 lines 1 – 19.

3. Claim 3, 6-8, 15, 25, 27, 28, 31 and 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tatchell et al. (US PAT # 6,160,877) in view of Rudrapatna et al. (US PAT # 6,188,905) and further in view of Hodges et al. (US Pat # 6,707,901).

As to claims 3, 6, 7, 8, 31, 34, 35 and 36, the combination of Tatchell and Rudrapatna does not disclose expressly that the system accounts for the time zone in which the user is located and the time of day in that time zone.

However, Hodges teaches a screening system that accounts for the time zone in which the user is located and the time of day in that time zone (col. 3 lines 41 – 55, col. 5 lines 21 – 37, and col. 9 line 48 – col. 10 line 18 of Hodges).

Thus, it would have been obvious to one of ordinary skill in the art to account for the time zone in which the user is located and the time of day in that time zone in the combination of Tatchell and Rudrapatna into the teachings of Hodges. The motivation for doing so would have been to account for time changes due to

Art Unit: 2614

traveling/visiting other countries and route accordingly. If the user were in Europe, the system should account for the local time in Europe. For example, the user may have set the system to route all calls after 5pm to his voicemail and all calls before 5pm to his cellular phone. If a person calls at 6pm from the United States the local time in Europe may be 10am. In this situation, the system should account for the European local time and route the call to the user's cellular phone, instead of the voicemail. This would be possible if the teachings of Hodges were incorporated into Tatchell for example. It should be noted that Tatchell teaches changing profiles based on the time of the day (see table 6.0 of Tatchell).

As to claims 25, 27, and 28, see col. 5 lines 50 – 64 of Hodges.

4. Claims 11 and 38 are rejected under 35 U.S.C. 103(a) as being Tatchell et al. (US PAT # 6,160,877) in view of Rudrapatna et al. (US PAT # 6,188,905) and further in view of Baniak et al. (pub. No.: 20070047714)

As to claims 11 and 38, the combination of Tatchell in view of Rudrapatna does not disclose expressly that calls that satisfy a specified criterion pass through the filter even though they do not satisfy another criterion of the filter. However, Baniak teaches calls that satisfy a specified criterion pass through the filter even though they do not satisfy another criterion of the filter ¶0068 of Baniak).

Thus, it would have been obvious to one of ordinary skill in the art to let a call pass through even though it does not satisfy all the criterion of the filter in the

combination of Tatchell and Rudrapatna in view of the teachings of Baniak. The motivation for doing so would have been to be able to override the system in cases of emergencies. For example, Baniak teaches that override codes could be given to certain people who may need to override the system in cases of high importance or emergencies. Thus, a calling party may be able to connect to the called party instead of being routed to voicemail, as is normally done.

Response to Arguments

5. Applicant's arguments filed 08/13/2008 have been fully considered but have been found not persuasive.

It is noted that Applicant's main argument is directed to Tatchell and Rudrapatna, by themselves and in combination, do not suggest "where in the user-specified profile is selected and set up by the user". The Examiner respectfully disagrees because the claimed feature of "wherein the user-specified profile is selected and set up by the user" is already taught by Tatchell (see col. 9, lines 60-63). Tatchell clearly states that the subscriber can ***tailor*** his or her Personal Agent profile. Thus, the claimed user-specified profile is created by the user itself.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rasha S. AL-Aubaidi whose telephone number is (571) 272-7481. The examiner can normally be reached on Monday-Friday from 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (571) 272-7488.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 10/607,107
Art Unit: 2614

Page 10

/Rasha S AL-Aubaidi/

Primary Examiner, Art Unit 2614